REMARKS

Claims

Upon entry of this amendment, claims 24-46 will be pending in the application. Claims 1-23 have been canceled. Independent claims 24 and 34 have been amended. No claims have been added. Reconsideration is respectfully requested.

Claim Rejections – 35 U.S.C. §102(b)

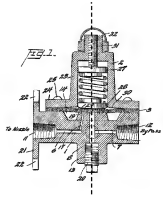
Claims 24-27 and 34-40 stand rejected under 35 U.S.C. §102(b) as being anticipated by Lattner (U.S. Patent No. 1,871,535). Applicant has amended independent claims 24 and 34 and believes that amended claims 24 and 34 define over the cited prior art or any combination thereof.

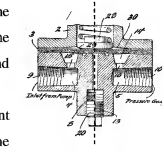
Independent claim 24, as amended, recites an apparatus for use in delivering medication to separate locations from a single source of medication. The apparatus includes a valve housing defining an inlet for receiving the medication from the single source of medication and first and second outlets of substantially equal flow capacity for delivering the medication to the separate locations in substantially equal amounts. The valve housing has a longitudinal axis and the first and second outlets are spaced from and parallel to the longitudinal axis. A cap is coupled to the valve housing and a flexible diaphragm is disposed between the cap and the valve housing to define a pressure chamber in fluid communication with the inlet and the outlets. The flexible diaphragm moves between a closed position to seal the pressure chamber from the outlets and an open position to open the pressure chamber to the outlets. A biasing mechanism operates between the cap and the flexible diaphragm to bias the flexible diaphragm towards the closed position. The biasing mechanism is disposed about the longitudinal axis of the valve housing.

Lattner discloses a valve having a valve housing defining an inlet 4 for receiving fluid, an outlet 6 for delivering fluid to a nozzle, an outlet 5 for delivering fluid to a pressure gauge, and an outlet 8 for delivering fluid to a third location (which also includes a bypass passage 7). A cap is coupled to the valve housing and a flexible diaphragm is disposed

between the cap and the valve housing to define a pressure chamber in fluid communication with the inlet 4 and the outlets 5, 6, 8. The flexible diaphragm moves between a closed position to seal the pressure chamber from the outlets and an open position to open the pressure chamber to the outlets. A spring operates between the cap and the flexible diaphragm to bias the flexible diaphragm towards the closed position.

Lattner fails to disclose at least two outlets that are **of substantially equal flow capacity for delivering medication to separate locations in substantially equal amounts and that are parallel to a longitudinal axis of the valve housing**. Instead, referring to the adjacent figures, Lattner discloses the outlet 5 spaced from the longitudinal axis (the longitudinal axis shown by the hidden line was added to the figures for convenience) and the outlet 6, also spaced from the longitudinal axis, but with a smaller flow capacity than the outlet 5. The remaining outlet, the outlet 8, is NOT spaced from the longitudinal axis, as required in independent claim 24, and is also shown having a substantially different flow capacity than the outlet 5 and the outlet 6. Thus, no two outlets of substantially equal flow capacity are spaced from the longitudinal axis of the valve housing, as required in independent claim 24. Furthermore, only the outlet 8 is parallel to the longitudinal axis of the valve housing, while claim 24 requires first and second outlets that are spaced from the longitudinal axis with BOTH outlets being parallel to the longitudinal axis. Therefore, Lattner fails to disclose each and every feature now recited in independent claim 24.





The outlets of the valve housing, as recited in independent claim 24, are spaced from and parallel to a longitudinal axis of the valve housing to provide symmetrical fluid flow out of the outlets such that the amount of medication delivered to two separate patient sites is substantially equal. Lattner is not concerned with delivering substantially equal amounts of fluid out of the various outlets. Therefore, Lattner does not anticipate the features recited in claim 24, as amended. As a result, Applicant respectfully submits that independent claim 24 is in condition for

allowance.

Applicant respectfully submits that independent claim 34 is also in condition for allowance for the reasons presented above with respect to independent claim 24. Independent claim 34 recites similar limitations to independent claim 24 except that independent claim 24 recites a biasing mechanism, while independent claim 34 recites a control block with control surface.

Applicant submits that dependent claims 25-33 and 35-46 are also in condition for allowance based on their dependency to independent claims 24 and 34 and the failure of the references to suggest independent claims 24 and 34.

Claim Rejections – 35 U.S.C. §103(a)

Claims 28-29 and 41-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lattner in view of Rake et al. (U.S. Patent No. 6,251,098). Claims 30, 31, 43, and 44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lattner in view of O'Boyle (U.S. Patent No. 4,874,386). Claims 32, 33, 45, and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lattner in view of Sexton et al. (U.S. Patent No. 5,213,468). These rejections are now moot based on the arguments presented above with respect to independent claims 24 and 34.

Applicant respectfully submits that the subject application is now in condition for allowance. Applicant believes that no additional fees are required. In any event, however, the Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

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Date

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